

EXHIBIT B



DISTRICT OF COLUMBIA DEPARTMENT OF EMPLOYMENT SERVICES
OFFICE OF UNEMPLOYMENT COMPENSATION
BENEFITS UNIT
4058 MINNESOTA AVENUE, N.E.
WASHINGTON, D.C. 20019

DETERMINATION BY CLAIMS EXAMINER

CLAIMANT:

ZOYA V KOVALENKO
[REDACTED]
[REDACTED]

EMPLOYER:

KIRKLAND & ELLIS LLP
300 N LA SALLE DR
CHICAGO, IL - 60654-3405

SOCIAL SECURITY NUMBER: [REDACTED]

ISSUE: Discharged for Misconduct

LAW

The District of Columbia Unemployment Compensation Act provides that an individual shall be disqualified from receiving benefits if it is found that he/she was discharged from his/her most recent employer for misconduct occurring in the course of the work. D.C. Code, Title 51-110(b)(1). D.C. Municipal Regulation, Chapter 7-312.3(e) provides gross misconduct means an act which deliberately or willfully violates the employer's rules; deliberately or willfully threatens or violates the employer's interest; shows a repeated disregard for the employee's obligation to the employer; or disregards standards of behavior which an employer has the right to expect of its employee.

FACTS

The claimant indicated she was discharged. The claimant indicated she was told by the Partner, that she had not contributed to matters substantively or at the commitment level expected of an Associate. The claimant indicated no final incident occurred to cause her termination and she did not receive any warnings. The claimant also indicated she worked to the best of her ability.

REASONING

The employer has the responsibility to provide evidence of misconduct. In this case, the employer was contacted to provide separation information and supporting evidence. The employer failed to respond. Therefore, the employer has not met the burden of proof and the claimant is qualified to receive unemployment insurance benefits.

DECISION

The claimant is hereby qualified to receive unemployment insurance benefits effective 11/14/2021.

I certify that a copy of this document was mailed to the above named claimant and employer addresses on 3/2/2022.

87695

Claims Examiner

"Pursuant to DC Code §51-111(k)(2), all correspondence, notice, determinations, or decisions issued by the Director may be signed by an electronic signature that complies with the requirements §28-4917 and Mayor's Order 2009-118, issued June 25, 2009. The unique number in the signature line is the claims examiner's electronic signature. It is the attestation of and to all statements in the determination."

SEE THE ENCLOSED D.C. CODE & NOTICE OF APPEAL RIGHTS



Language
Assistance

Si necesita ayuda en Español, por favor llame al 202-724-7000 para proporcionarle un intérprete **de manera gratuita**.

Nếu quý vị cần giúp đỡ về tiếng Việt, xin gọi 202-724-7000 để chúng tôi thu xếp có thông dịch viên đến giúp quý vị **miễn phí**.

Si vous avez besoin d'aide en Français appelez-le 202-724-7000 et l'assistance d'un interprète vous sera **fournie gratuitement**.

በአማርኛ እርዳታ ከፈለጉ በ 202-724-7000 ይደውሉ። የ **ነፃ** አስተርጓሚ ይመድብልዎታል።

한국어로 언어 지원이 필요하신 경우 202-724-7000 로 연락을 주시면 **무료로** 통역이 제공됩니다.

如果您需要用 (中文)接受幫助，請電洽 202-724-7000 將**免費**向您提供口譯員服務。



4058 Minnesota Avenue, NE, Washington, DC 20019

APPLICABLE SECTIONS OF D.C. CODE

Title 51-101 et seq.

VOLUNTARY LEAVE

The District of Columbia Unemployment Compensation Act provides that an individual shall be disqualified from receiving benefits if it is found that the individual voluntarily left their most recent work without good cause connected with the work. D.C. Code, Title 51-110(a)

SPOUSE/DOMESTIC PARTNER RELOCATION

Compensation shall not be denied to any otherwise eligible individual who leaves their most recent work to accompany his or her spouse or domestic partner to a place from which it is impractical to commute to the place of employment. D.C. Code, Title 51-110(d)(4)

CARE FOR AN ILL OR DISABLED FAMILY MEMBER

Compensation shall not be denied to any otherwise eligible individual who leaves his or her most recent work to care for an ill or disabled family member. D.C. Code, Title 51-110(d)(5)

DOMESTIC VIOLENCE

Compensation shall not be denied to any otherwise eligible individual for any week because the individual was separated from employment by discharge or voluntary or involuntary resignation due to domestic violence against the individual or any member of the individual's member family, unless the individual was the perpetrator of the domestic violence. D.C. Code, Title 51-131(a)

GROSS MISCONDUCT

The District of Columbia Unemployment Compensation Act provides that an individual shall be disqualified from receiving benefits if it is found the individual was discharged from their most recent work for gross misconduct occurring in the course of the work. D.C. Code, Title 51-110(b)(1)

MISCONDUCT OTHER THAN GROSS

The District of Columbia Unemployment Compensation Act provides that an individual shall be disqualified from receiving benefits if it is found they were discharged from their most recent work for misconduct other than gross misconduct. D.C. Code, Title 51-110 (b)(2)

FAILURE TO APPLY FOR OR ACCEPT SUITABLE WORK

The District of Columbia Unemployment Compensation Act provides that an individual who fails to apply for suitable work or fails to accept suitable work shall not be eligible for benefits. D.C Code, Title 51-110 (c)(1)

LACK OF WORK

The District of Columbia Unemployment Compensation Act provides that an individual who is separated from employment due to no fault of their own, and is not subject to a disqualification for such separation, is eligible to receive unemployment insurance benefits. D.C. Code, Title 51-110 (a) and (b)

ELIGIBILITY ISSUES

ABILITY TO WORK

The District of Columbia Compensation Act requires an individual must be physically able to work in order to eligible for benefits. D.C. Code, Title 51-109(3)

AVAILABILITY FOR WORK

The District of Columbia Compensation Act requires an individual must be available for work in order to be eligible for benefits. D.C. Code, Title 51-109(4)(A)

ACTIVELY SEEKING WORK

The District of Columbia Compensation Act requires an individual shall be held ineligible from receiving benefits if it is found that the claimant did not make a minimum of two (2) work search contacts in such week D.C. Code, Title 51-109(4)(B)

FAILURE TO REPORT AS DIRECTED

The District of Columbia Unemployment Compensation Act provides that an individual must report as directed in order to be eligible for benefits. D.C. Code, Title 51-109(1)

NOT UNEMPLOYED

The District of Columbia Unemployment Compensation Act provides that an individual shall be deemed “unemployed” with respect to any week during which they perform no service and with respect to which no earnings are payable, or with respect to any week of less than full time work if 66% of the earnings payable with respect to such week are less than weekly benefit amount plus \$50. D.C. Code, Title 51-101(5)

SEVERANCE PAY

The District of Columbia Unemployment Compensation Act provides that an individuals’ weekly benefit amount shall be reduced for any week the individual has payable earnings. The reduction will be according to the following formula: fifty dollars (\$50.00) will be added to the weekly benefit amount; from the resulting sum, sixty-six percent (66%) of the payable earnings shall be subtracted. D.C. Code, Title 51-107(e)

MOST RECENT WORK

The employer for whom the individual last performed 30 work days of employment. D.C. Code Title 51-101(26)

REASONABLE ASSURANCE

The District of Columbia Unemployment Compensation Act provides that benefits shall not be payable to any individual for any week which commences during a period between two (2) successive academic years or terms if such individual performs such services in the first of academic years or terms and there is reasonable assurance that such individual will perform such services in the second of such academic years or terms. D.C. Code, Title 51-109(7)(C)(i)

LABOR DISPUTE

The District of Columbia Unemployment Compensation Act provides that an individual shall not be eligible for benefits with respect to any week if it has been found by the Director that such individual is unemployed as a direct result of labor dispute, other than a lockout, still in active progress in the establishment where he is or was last employed. D.C. Code, Title 51-110(f)

LAWFUL ALIEN

The District of Columbia Unemployment Compensation Act provides that unemployment benefits shall not be paid based on services performed by an alien, unless such alien is lawfully admitted at the time such services were performed. D.C. Code, Title 51-109(9)(A)



DISTRICT OF COLUMBIA
Office of Administrative Hearings
One Judiciary Square
441 4th Street, NW, Suite 450N
Washington, DC 20001
Tel: (202) 442-9094 Fax: (202) 442-4789
Email: oah.filing@dc.gov



UNEMPLOYMENT INSURANCE APPEAL FORM

Use this form to request a hearing before an Administrative Law Judge if you wish to appeal a decision of the Department of Employment Services ("DOES") concerning unemployment insurance benefits.

READ INSTRUCTIONS HERE AND ON THE REVERSE SIDE

For Help and Information, call (202) 442-9094

1. Please submit with this form a copy of the Claims Examiner's Determination or other DOES decision you are appealing. You may submit this form first, but we cannot schedule a hearing or proceed with your case until you submit a copy of the DOES decision you are appealing.
2. Claimants must continue to file claim forms with DOES, even while their appeals are pending in the Office of Administrative Hearings. Claimants who do not file claim forms as instructed by DOES may lose benefits.
3. Save the envelope in which you received the DOES decision you are appealing. Bring the envelope to the hearing. It may help show that you filed your appeal on time.
4. Complete the following for CLAIMANT or EMPLOYER, and sign below.

CHECK ONE: I AM: THE CLAIMANT ☐

OR THE EMPLOYER ☐

Claimant's Name: _____

Employer's Name: _____

Soc. Sec. No. (last four digits): XXX-XX

Representative (if any): _____

Representative (if any): _____

Claimant's FULL Address (with unit number, zipcode): _____

Employer's/Rep.'s FULL Address (with unit number, zip code): _____

Claimant's Telephone: _____

Claimant's Email: _____

*Do you consent to service by email? ☐ Yes ☐ No

Employer's/Rep.'s Telephone: _____

Employer's/Rep.'s Fax: _____

Employer's/Rep.'s Email: _____

If you most recently worked for the DC Government, state the agency, department or office for which you worked: _____

In addition to the attorneys listed in the attached documents, law students may be available to provide free legal assistance to claimants in DOES cases. Would you like us to share your contact information with a law school clinic for the purpose of representing you in your case?

Yes ☐ No ☐

*Do you consent to service by email? ☐ Yes ☐ No

**By checking YES, I consent, according to OAH Rule 2841.16, to receive orders or any other documents issued in the case by email.*

YOUR REASON FOR FILING APPEAL: _____

Will you need an INTERPRETER for the hearing? If so, what LANGUAGE? _____

YOUR SIGNATURE: _____

TURN OVER FOR MORE INSTRUCTIONS



EXHIBIT

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UNEMPLOYMENT INSURANCE APPEAL FORM, PAGE 2



ADDITIONAL INSTRUCTIONS

- **WHERE TO FILE:** You **MUST** file your appeal with the **Office of Administrative Hearings**. The Office of Administrative Hearings ("OAH") is not part of the Department of Employment Services. You cannot file your appeal at a DOES One-Stop Center or any other DOES office.

You may file an appeal by mail, in person, by fax or by email:

By Mail or In Person. You may file an appeal in person, weekdays between 9:00 a.m. and 5:00 p.m., or by mail at the following address. You will need photo identification to enter the building:

**Office of Administrative Hearings
One Judiciary Square
441 Fourth Street, NW, Suite 450 North
Washington, DC 20001-2714**

By Fax. You may file an appeal by fax to (202) 442-4789. If possible, please include a copy of the Claims Examiner's Determination or other written decision you are appealing. Faxes received after 5:00 p.m. or on any non-business day are considered "filed" on the next business day. An appeal sent by fax will not be filed unless it is complete and legible when received.

By Email. You may file an appeal by email to **OAH.FILING@DC.GOV**. If possible, please attach a scanned copy of the Claims Examiner's Determination or other written decision you are appealing.

- **APPEAL DEADLINE:** Your appeal must be either postmarked by the U.S. Postal Service (not a private postage meter) or actually received by the Office of Administrative Hearings within **fifteen (15)** calendar days of the date DOES mailed the Claims Examiner's Determination to you. The date of mailing is usually stated on the Claims Examiner's Determination. The deadline runs from the date DOES mailed the Determination to you, not from the date you received it. If the Claims Examiner's Determination was NOT mailed to you, or if it was not mailed to your correct address, you must file within **fifteen (15)** calendar days of actual delivery of the Claims Examiner's Determination.

If the 15-calendar-day filing deadline falls on a Saturday, Sunday or a legal holiday, the deadline is extended to the next business day.

The appeal deadline may be extended if an administrative law judge finds "good cause" or "excusable neglect" for a delay. The person filing the appeal bears the burden of proving at the hearing that there was a good reason for the delay. **If you file an appeal late without a good reason, your case may be dismissed.**

No one is authorized to give you different instructions about the deadline.

- **RULES:** The Rules of Procedure for the Office of Administrative Hearings may be found at www.oah.dc.gov and in the Office of Administrative Hearings Resource Center. **Please Note: *By checking the YES box, I consent, according to OAH Rule 2841.16, to receive orders or any other documents issued in this case by email.**
- **FURTHER INFORMATION:** For further information about this document or filing an appeal, please call (202) 442-9094 or visit the Office of Administrative Hearings weekdays from 9:00 a.m. to 5:00 p.m., One Judiciary Square, 441 Fourth Street, NW, Suite 450 North, Washington, DC 20001-2714.